

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

**SUSAN BAUER**

**Plaintiff,**

**vs.**

**THE CURATORS OF THE  
UNIVERSITY OF MISSOURI, et al.**

)  
)  
) **Civil No. 07-4044-CV-C-SOW**  
)  
)  
)

**AFFIDAVIT OF SUSAN MARIE BAUER**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF BOONE     )

COMES NOW Susan Marie Bauer, Plaintiff, being duly sworn, states that:

1. I am the Plaintiff in the above titled action.
2. I have worked at the University Health System since 1974 as a Registered Nurse. I have worked in the System as a Clinical Nurse Specialist/ Advanced Practice Nurse since 1992. Over that time the designated cost center for my position has changed but it has always been under the umbrella of the Curators. My Recognition Document from the Missouri State Board of Nursing designates me as a Maternal-Child Clinical Nurse Specialist. As such I am able to work as an Advanced Practice Nurse with women and/or children.
3. Affiant has personal knowledge that Advanced Practice Nurses ("APN") are Registered Nurse graduates of an advanced nursing education program. An APN can "specialize" in a particular patient population such as Geriatric, Family, Pediatric, Maternal Child, Women's Health, or Mental Health, but the educational components are the same.
4. The Advanced Practice role encompasses five areas: clinical care, education,



leadership/administration, consultation/collaboration, and research. Typically clinical care fills the major portion of the positions. The amount of time allocated to each area is determined by the APN, their Collaborating Physician(s) and the administrator or supervisor of their cost center within the System.

4. No performance evaluation was ever done on me by any member of the Department of Otolaryngology. The only evaluation I received from 1999--2006 was done by Mick Crowley, Director of Nursing Columbia Regional Hospital during the year my salary was funded through their cost center. This evaluation was submitted as Plaintiff's Exhibit 2 but was misplaced during depositions.
5. Since my employment from 2/1999 to the present, Kenneth R. Hammann, MBA, is Associate Dean for Administration and Finance and his office is located in the Office of the Dean. He is responsible for new positions, offers of employment, salary levels, and job responsibilities in the University of Missouri Health System, School of Medicine.
6. During my employment as an APN in the Department of Otolaryngology, I was intimately involved in a number of research projects. Dr. Marcella Bothwell, MD, and Dr. Jeff Phillips, PharmD and myself were in negotiations with Medtronic for grant money to do research on Pediatric Gastro-Esophageal Reflux. Included in this grant was a request for coverage of 20% of my salary in order to compensate for the time I would be involved in the research projects.
7. Ben Francisco was afforded benefits by the System that were not afforded to me. This included 1-2 days per week to pursue his PhD during regular work hours while being paid at 1.0 FTE. His salary has been substantially higher than mine since that time although our job duties have been substantially similar. During my years as an APN I



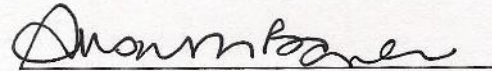
have approached my Collaborating Physician(s), supervisors, Human Resource personnel, the Director of Nursing, and other members of System administration about my concerns.

8. During my layoff period from June 30, 2005 until July 2, 2006 I complained about my salary to several people including Ken Hammann. He told me that my salary was "fine" and that I should "sit tight."
9. At the time I filed my complaint I was aware of at least 17 APN positions in the School of Medicine with one of them held by a male. The male (Ben Francisco) was paid a salary substantially higher than me. Ben Francisco had earned his Masters Degree one year before me, but he had many less years experience as a pediatric nurse.
10. Ken Hammann has specifically indicated to me verbally and in writing that my salary is "where it should be" within the same time periods that he has given two male nurses (i.e. Ben Francisco and Scott Schmidt) substantial increases in salary. In both cases they continue to substantially perform the same work. Mr. Schmidt has job responsibilities that are much less than an APN yet he is making a higher salary.
11. Affiant has viewed, been presented by Defendant, and/or printed several pages from various websites maintained by the University of Missouri System and presented as Exhibits 6, 9, 29, 63, 64 and 65 as part of her Motion for Summary Judgment. The Exhibits are fair and accurate representations of the information presented on the various websites.
12. From 2004 to 2006 I was taking courses towards my Ph.D. in Nursing at the University of Missouri.
13. At all times as an APN, I was in collaborative practice with one or more physicians in the



System and was credentialed as a clinical provider. This recognition from the System delegated to me the authority to run independent clinics, bill for services provided, admit and discharge patients, write orders, prescribe medications.

14. At a grievance meeting with Karen Touzeau, Assistant Vice-Chancellor for Human Resource Services, in 2005, Ms. Touzeau told me in response to Mr. Will Kiehl's statement that the two jobs (i.e. Clinical Nurse Specialist and Nurse Practitioner) were different because they were paid from different sources (i.e. Campus v. Hospital), "That is incorrect because they all fall under the umbrella of the Curators."
15. Further Affiant sayeth not.

  
Susan M. Bauer

The foregoing affidavit was subscribed and sworn to before me this 14th day of December, 2009.



By:

  
Notary Public

My Commission expires: \_\_\_\_\_